REMARKS

The Final Office action dated August 31, 2010 is acknowledged. The Applicants thank the Examiner for withdrawing the rejections of the claims under 35 U.S.C. 112, second paragraph as being indefinite, under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Nos. 6,193,992 (El-Rashidy, et al.) and 4,963,568 (Schoenleber, et al.), as being obvious under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,614,178 (Bloom, et al.) and as being obvious under 35 U.S.C. 103(a) as being unpatentable over El-Rashidy, et al. in view of U.S. Patent No. 4,877,618 (Reed Jr.) or in the alternative Schoenleber, et al. in view of Reed Jr.

Claims 1-10 and 12-28 are pending in the instant application. Claims 2-10 and 14-23 have been withdrawn and claims 1, 12-13, 24 and 26-27 are rejected. By the present Final Office Action response, claim 1 has been amended, and claims 5, 24 and 27 are canceled. Reconsideration is respectfully requested in light of the arguments and amendments made herein. No new matter has been added.

Objection of Claim 5

The Examiner has objected to claim 5 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 5 has been canceled by the present response. Therefore, the objection is rendered moot and withdrawal thereof is appropriate.

Rejection of claims 1, 12, 13, 24, 26 and 27 under 35 U.S.C. 103(a)

Claims 1, 12 and 26 have been rejected as being unpatentable over U.S. Patent No. 5,614,178 (Bloom, et al.). The Examiner states in the Final Office action that Bloom,

et al. disclose transdermal devices comprising an active agent which can be selected from numerous classes of drugs, including anticholinergic drugs including scopolamine, atropine and levodopa (L-dopa). The Examiner further states that the reference discloses the use of muscle relaxants, including orphenadrine and that combinations of active agents can be employed to provide more than one benefit. Still further, the Examiner states that Bloom, et al. disclose that the active agents are contained in an effective amount depending on the drug, the ability of the drug to permeate the skin, the particular condition being treated, and the age and physical condition of the patient. Therefore, the Examiner concludes that one skilled in the art would be able to determine the effective dosage amount/range through routine experimentation and that it would have been obvious to one skilled in the art to have combined an anticholinergic drug and a muscle relaxant since they both reduce spasm of muscles.

Claims 13, 24 and 27 are rejected as being unpatentable over Bloom, et al. in view of U.S. Patent No. 4,666,441 (Andriola, et al.). The Examiner argues that Bloom, et al. teach the limitations of these claims but fail to disclose the orientation of the transdermal device. The Examiner refers to Andriola, et al. for disclosing a multi-compartmentalized transdermal patch and concludes that it would have been obvious to one of ordinary skill in the art to have utilized the patch of Andriola, et al. because they disclose that the advantages of the patch allows one to flexibly utilize drug formulations giving greater range of release rates and to more precisely control drug delivery to the skin by utilizing different drug concentrations, different vehicles, different additives such as flux enhancers and different materials having different drug transference rates.

It is respectfully submitted that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The Applicants respectfully submit that the referenced prior art fail to teach each and every limitation of the present invention, nor would there be any motivation to modify the prior art to arrive at the presently claimed invention.

The Applicants submit that the cited reference of Bloom, et al. fails to teach or suggest each and every limitation of claim 1 as amended herewith. In particular, Bloom, et al. fail to teach or suggest the combinations recited in the last two paragraphs of claim 1, namely, (1) a combination of a dopamine agonist and an NMDA receptor antagonist and (2) a combination of L-dopa and an NMDA receptor antagonist.

Furthermore, regarding "the combination of L-dopa and an anti-cholinergically active substance" defined in present claim 1, Bloom, et al. fail to teach or suggest bornaprine and metixene (col. 8, lines 10-14). At column 5, lines 50-55 of Bloom, et al., it is noted that "levodopa (L-dopa) is incorrectly included in the category of "anticholinergic drugs." With respect to bornaprine and metixene which are recited in present claim 1, it is noted that these active substances are not "muscle relaxant drugs" unlike "orphenadrine" (col. 8, lines 10-14 of Bloom, et al.).

As noted above, Bloom, et al. fail to teach and disclose each and every limitation of present independent claim 1 as amended herewith. Thus, withdrawal of the rejection is

requested.

Regarding the latter rejection of claims 13, 24 and 27, the Applicants respectfully disagree with the Examiner's conclusion for at least the numerous deficiencies of Bloom, et al. set forth above. Moreover, Andriola, et al. fail to make up for the deficiencies of Bloom, et al. Specifically, claim 13 depends from claim 12 which in turn depends from claim 1. Thus, claim 13 should be considered allowable for the reasons set forth above.

Claims 24 and 27 are canceled herewith, and so the rejection is rendered moot as it pertains to claims 24 and 27.

In view of the above, the Applicants respectfully request that the obviousness rejections be withdrawn.

Conclusion

For the foregoing reasons, it is believed that the present application, as amended, is in condition for allowance, and such action is earnestly solicited. Based on the foregoing arguments, amendments to the claims and deficiencies of the prior art references, the Applicants strongly urge that the obviousness-type rejection and anticipation rejections be withdrawn. The Examiner is invited to call the undersigned if there are any remaining issues to be discussed which could expedite the prosecution of the present application.

Respectfully submitted,

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